

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No.302 of 1987

in

SPECIAL CIVIL APPLICATION No.2644 of 1987

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For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

and

MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : NO

GUJARAT SMALL INDUSTRIES CORPORATION KARMACHARI UNION

Versus

GUJ. SMALL INDUSTRIES CORPN.LTD

Appearance:

MR AK CLERK for Appellant

MR PV HATHI for Respondent No. 1

NOTICE SERVED for Respondent No. 2, 3

CORAM : MR.JUSTICE B.C.PATEL and

MR.JUSTICE C.K.BUCH

Date of decision: 10/12/98

ORAL JUDGEMENT : (Per B.C. Patel, J.)

On behalf of the respondent- Corporation Shri
Hathi, learned advocate states that;

(i) the Corporation has already made appointment of Scheduled Caste (SC)/ Scheduled Tribe (ST) candidates to the extent of 50 % as per the interim order passed by this Court on 15.9.1987, and

(ii) the Corporation does not intend to make further appointments of SC/ ST candidates under circular/ advertisement dated 9.1.1987 and if any new recruitment of SC/ ST candidates is required to be made, it shall issue fresh advertisement/ circular in accordance with law.

2. Shri Clark has relied on the decision of the Apex Court in in the case of Indra Sawhney v. Union of India and others, 1992 Supp. (3) Supreme Court Cases 217. When Shri Hathi, learned advocate makes the statement that new recruitment of SC/ ST candidates wherever is required to be made, it shall issue fresh advertisement/ circular in accordance with law, it goes without saying that the law laid by the Apex Court shall be considered by the respondents. Shri Hathi, learned advocate states that the department has also issued advertisement/ circular to see that the appointments are made in accordance with law laid by the Apex Court. In view of this, Shri Clark, learned advocate fairly states that as the Corporation is desirous of prosecuting further in the matter of appointments as per the law laid down by the Apex Court, he would not like to proceed further in the matter.

3. In view of this the Letters Patent Appeal stands disposed of. No order as to costs.

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